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Attorneys for Plaintiff
FORTINET, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FORTINET, INC., a Delaware corporation,

Plaintiff

v.

TREND MICRO INCORPORATED, et al.,

Defendants.

Civil Case No.: CV 10-0048 MMC

**SECOND STIPULATED MOTION
FOR ORDER (1) VACATING AND
RESETTING CASE
MANAGEMENT CONFERENCE
AND ADR DEADLINES, AND (2)
CONTINUING LOCAL PATENT
RULE DISCLOSURES; AND
~~PROPOSED~~ ORDER**

SECOND STIPULATED MOTION FOR ORDER (1)
VACATING AND RESETTING CASE MANAGEMENT
CONFERENCE AND ADR DEADLINES, AND (2)
CONTINUING LOCAL PATENT RULE DISCLOSURES;
AND [PROPOSED] ORDER
Civil Case No.: CV 10-0048 MMC

1 IT IS HEREBY STIPULATED by and between plaintiff Fortinet, Inc. (“Fortinet”) and
2 defendants Trend Micro Incorporated, a California corporation, Trend Micro Incorporated, a
3 Japanese Corporation, and Trend Micro Incorporated, a Taiwanese corporation (collectively,
4 “Trend Micro”), by and through their counsel of record, as follows:

5 WHEREAS, on March 2, 2010, Trend Micro filed a Motion to Dismiss the Complaint
6 pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure (“Motion to Dismiss”);

7 WHEREAS, on March 15, 2010, the parties filed a Stipulated Motion for Order (1)
8 Vacating and Resetting Case Management Conference and ADR Deadlines, and (2)
9 Continuing Local Patent Rule Disclosures (“Stipulated Motion”), which provided that the
10 Case Management Conference and related deadlines and disclosures would occur after the
11 Court’s ruling on the Motion to Dismiss;

12 WHEREAS, on March 18, 2010, this Court granted the Stipulated Order except that
13 the Case Management Conference was continued to May 28, 2010;

14 WHEREAS, on April 7, 2010, this Court issued an Order setting a schedule for
15 supplemental briefing and continuing the hearing on the Motion to Dismiss to May 14, 2010;

16 WHEREAS, under the current schedule, the parties must meet and confer pursuant to
17 Federal Rule of Civil Procedure 26(f) no later than May 7, 2010, prior to the date set for the
18 hearing on the Motion to Dismiss;

19 WHEREAS, the Parties have met and conferred and jointly believe that the ruling on
20 Trend Micro’s Motion to Dismiss will clarify the matters at issue and the proper scope of
21 discovery in this case, if any, and thus it will be more efficient and productive for the Court
22 to:

23 (1) vacate the initial Case Management Conference currently scheduled for May 28,
24 2010, and reset the Initial Case Management Conference for 30 days after the Court rules on
25 Trend Micro’s Motion to Dismiss, if the Court denies the Motion to Dismiss;

1 (2) reset the ADR and Rule 26-related deadlines in an Order Resetting the Initial
2 Case Management Conference issued after the Court rules on Trend Micro's Motion to
3 Dismiss; and

4 (3) order that the parties' obligations to begin making their respective Patent
5 Disclosures under the Local Patent Rules are continued until after the Court holds the initial
6 Case Management Conference, as contemplated above and in the Patent Local Rules.

7 WHEREAS, there is no schedule set in this case beyond the dates set for the initial
8 Case Management Conference and further briefing and the hearing on Trend Micro's
9 Motion to Dismiss, therefore, this Stipulated Motion will not impact the schedule in this
10 case after those dates;

11 NOW THEREFORE, the Parties, by and through their undersigned counsel and
12 pursuant to the above stipulations, hereby jointly move the Court for an Order:

13 (1) vacating the Initial Case Management Conference currently scheduled for May
14 28, 2010, and resetting the Initial Case Management Conference for 30 days after the Court
15 rules on Trend Micro's Motion to Dismiss, if the Court denies the Motion to Dismiss;

16 (2) resetting the ADR deadlines and the deadlines for the parties to meet and confer
17 regarding initial disclosures and discovery plan, to file a Rule 26(f) Report, to complete
18 initial disclosures, and to file a Joint Case Management Statement, in an Order that the Court
19 will issue if the Court denies Trend Micro's Motion to Dismiss; and

20 (3) providing that the parties' obligations to begin making their respective Patent
21 Disclosures under the Local Patent Rules shall begin after the Court holds the Initial Case
22 Management Conference, as contemplated above and in the Patent Local Rules.

1 DATED: April 12, 2010

WILSON SONSINI GOODRICH & ROSATI

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4 By: /s/ Stefani E. Shanberg

5 Stefani E. Shanberg
6 Attorneys for Plaintiff FORTINET, INC.
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8 DATED: April 12, 2010

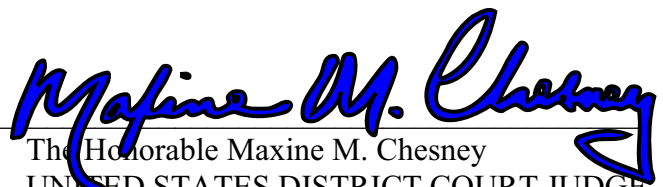
COVINGTON & BURLING LLP

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11 By: /s/ Andrew C. Byrnes

12 Andrew C. Byrnes
13 Attorneys for Defendants
14 TREND MICRO INCORPORATED (a California
15 corporation); TREND MICRO INCORPORATED
16 (a Japanese corporation); and TREND MICRO
17 INCORPORATED (a Taiwanese corporation)

18 PURSUANT TO THE PARTIES' STIPULATED MOTION, IT IS SO ORDERED.

19
20 DATED: April 13, 2010

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22 The Honorable Maxine M. Chesney
23 UNITED STATES DISTRICT COURT JUDGE
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